

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

WESTERNGECO L.L.C., §  
Plaintiff, §  
v. § CIVIL ACTION NO. 4:09-cv-1827  
ION GEOPHYSICAL CORPORATION, § Judge Keith P. Ellison  
Defendant. §

**VERDICT FORM**

**QUESTION 1 – INFRINGEMENT UNDER 35 U.S.C. § 271(f)(1)**

Did WesternGeico prove by a preponderance of the evidence that ION infringed any of the patent claims listed below pursuant to Section 271(f)(1)?

Answer "Yes" or "No" for each of the listed claims in the spaces provided below.

**'520 Patent:**

Claim 19: YES

Claim 23: YES

**'967 Patent:**

Claim 15: YES

**'607 Patent:**

Claim 15: YES

**'038 Patent:**

Claim 14: YES

**QUESTION 2 – INFRINGEMENT UNDER 35 U.S.C. § 271(f)(2)**

**Did WesternGeco prove by a preponderance of the evidence that ION infringed any of the patent claims listed below pursuant to Section 271(f)(2)?**

Answer “Yes” or “No” for each of the listed claims in the spaces provided.

**‘520 Patent:**

**Claim 18:** YES

**Claim 19:** YES

**Claim 23:** YES

**‘967 Patent:**

**Claim 15:** YES

**‘607 Patent:**

**Claim 15:** YES

**‘038 Patent:**

**Claim 14:** YES

**QUESTION 3 – INVALIDITY**

**(A) '520 PATENT**

**Anticipation of the '520 Patent**

Did ION prove by clear and convincing evidence that U.S. Patent No. 5,790,472 (“Workman Patent”) anticipates Claim 18 of the '520 Patent?

Answer “Yes” or “No” in the space provided: ND

**Non-enablement of the '520 Patent**

Did ION prove by clear and convincing evidence any of the following claims of the '520 patent are *not* enabled?

Answer “Yes” or “No” for each of the listed claims in the spaces provided:

Claim 18 of the '520 Patent NO

Claim 19 of the '520 Patent NO

Claim 23 of the '520 Patent NO

**(B) '967 PATENT**

**Obviousness of the '967 Patent**

Did ION prove by clear and convincing evidence that that the combination of U.S. Patent No. 5,790,472 (“Workman Patent”) and International Application WO 98/28636 (“636 Patent Publication”) renders Claim 15 of the '967 Patent obvious?

Answer “Yes” or “No” in the space provided: NO

**Non-enablement of the '967 Patent**

Did ION prove by clear and convincing evidence that Claim 15 of the '967 Patent is *not* enabled?

Answer “Yes” or “No” in the space provided: ND

**(C) '607 PATENT**

**Anticipation of the '607 Patent**

Did ION prove by clear and convincing evidence that U.S. Patent No. 5,790,472 (the "Workman Patent") anticipates Claim 15 of the '607 Patent?

Answer "Yes" or "No" in the space provided: NO

**Obviousness of the '607 Patent**

Did ION prove by clear and convincing evidence that the combination of U.S. Patent No. 5,790,472 (referred to as the "Workman Patent") and International Application WO 98/28636 (referred to as the "636 Patent Publication") renders Claim 15 of the '607 Patent obvious?

Answer "Yes" or "No" in the space provided: NO

**Non-Enablement of the '607 Patent**

Did ION prove by clear and convincing evidence that Claim 15 of the '607 Patent is *not* enabled?

Answer "Yes" or "No" in the space provided: NO

**(D) '038 PATENT**

**Anticipation of the '038 Patent**

Did ION prove by clear and convincing evidence that International Application WO 00/20895 (“Hillesund '895 Application) anticipates Claim 14 of the '038 patent?

Answer “Yes” or “No” in the space provided: NO

**Obviousness of the '038 Patent**

Did ION prove by clear and convincing evidence that International Application WO 00/20895 (“Hillesund '895 Application) renders Claim 14 of the '038 patent obvious?

Answer “Yes” or “No” in the space provided: NO

**Non-Enablement of the '038 Patent**

Did ION prove by clear and convincing evidence that Claim 14 of the '038 Patent is *not* enabled?

Answer “Yes” or “No” in the space provided: NO

**QUESTION 4 – WILLFUL INFRINGEMENT**

**Did WesternGeco prove by clear and convincing evidence that ION actually knew, or it was so obvious that ION should have known, that its actions constituted infringement of a valid patent claim?**

Answer "Yes" or "No" in the space provided:

YES

## **QUESTION 5 – DAMAGES**

If any claim is infringed and not invalid, what damages do you find WesternGeco has proven by a preponderance of the evidence that it suffered as a result of ION's infringement? Any amount found should be written in dollars and cents.

## **Lost Profits**

\$ 93,400,000.

## **Reasonable Royalty**

\$ 12,500,000.

For the Jury:

By:

Foreperson

Date:

16 AUGUST 2012